



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/573,322

03/24/2006

Takashi Inoue

2000-30

7135

86002

7590

09/13/2010

J. Rodman Steele

Novak Druce & Quigg LLP

525 Okeechobee Blvd

Suite 1500

West Palm Beach, FL 33401

EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1783

MAIL DATE

DELIVERY MODE

09/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/573,322</p>	<p>Applicant(s) INOUE ET AL.</p>	
	<p>Examiner BRENT T. O'HERN</p>	<p>Art Unit 1783</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 September 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,7-18,31 and 36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1783

Continuation of 3. NOTE:

The amendment to claim 1, line 4 raises new issues that require further consideration/search and possibly raises the issue of new matter and does not place the application in better form for appeal by reducing/simplifying the issues.

Amended claim 1 includes additional limitations beyond those in canceled claim 36.

There are two types of steams known in the coffee/tea arts. The first is a super heated closed loop roasting steam that recycles back to the boiler after being condensed. The condensed steam typically passes a steam trap at the discharge of the roasting deck. The second type of steam is stripping steam that directly contacts the coffee or tea and is typically condensed in a condenser along with at least some of the volatiles that are stripped away from the coffee/tea. This condensed steam typically is not of sufficient purity to be used as boiler makeup water. This water typically is treated and then discharged into the sewer. The amendment to line 4 of claim 1 now appears to be stating that there are no longer two steam streams but rather just one. This amendment changes the scope of the claims and makes the claims indefinite as it now makes it unclear whether roasting is even possible at temperatures as high as 500C as required by the dependent claims when the steam for roasting is now the same steam for stripping and would be subject to a vacuum as opposed to being pressurized. This amendment also appears to add new matter as the Specification appears to require two separate steam streams and not one.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's discussion (See pp. 7-8 of Applicant's Paper filed 9/9/2010.) regarding Applicant's interpretations of the limitations of amended claim 1 is noted.

In response to Applicant's arguments that Okada does not teach super heated steam but rather saturated steam (See p. 9, para. 4 of Applicant's paper filed 9/9/2010.), it is noted that said arguments are not persuasive. Okada teaches that the steam is heated and dried to provide a steam with a high temperature and high dryness (See Abstract and para. 10.). The steam is no longer saturated after being heated. These temperatures are the same temperatures as claimed and for processing the same materials by the same process step.

In response to Applicant's arguments that DE '143 does not teach super heated steam and deoxygenated water for making steam (See p. 9, para. 5 to p. 10, para. 1 of Applicant's paper filed 9/9/2010.), it is noted that said arguments are not persuasive. DE '143 is not cited for teachings these limitations.

In response to Applicant's arguments that Kino does not teach super heated steam and deoxygenated water for making steam (See p. 10, para. 2 of Applicant's paper filed 9/9/2010.), it is noted that said arguments are not persuasive. Kino is not cited for teachings these limitations.

In response to Applicant's arguments that Takano does not teach super heated steam and deoxygenated water for making steam (See p. 10, paras. 4-5 of Applicant's paper filed 9/9/2010.), it is noted that said arguments are not persuasive. Takano is not cited for teachings these limitations.

In response to Applicant's arguments that Kazuyuki does not teach super heated steam and deoxygenated water for making steam (See p. 10, para. 6 of Applicant's paper filed 9/9/2010.), it is noted that said arguments are not persuasive. Kazuyuki is not cited for teachings these limitations.

/Brent T O'Hern/
Examiner, Art Unit 1783